

DORON WEINBERG (SBN 46131)  
LAW OFFICES OF DORON WEINBERG  
523 Octavia Street  
San Francisco, CA 94102  
Telephone: (415) 431-3472

DENNIS P. RIORDAN (SBN 69320)  
DONALD M. HORGAN (SBN 121547)  
RIORDAN & HORGAN  
523 Octavia Street  
San Francisco, CA 94102  
Telephone: (415) 431-3472

Attorneys for Defendant PAVEL I. LAZARENKO

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,	)	No. <b>CR-00-0284 CRB</b>
	)	
Plaintiff,	)	<b>DEFENDANT PAVEL LAZARENKO'S</b>
	)	<b>SUPPLEMENTAL MEMORANDUM</b>
	)	<b>IN OPPOSITION TO GOVERNMENT'S</b>
	)	<b>EX PARTE APPLICATION TO TAKE</b>
	)	<b>POST-CONVICTION DISCOVERY</b>
vs.	)	
	)	
PAVEL IVANOVICH LAZARENKO,	)	
	)	
Defendant.	)	
	)	

The government's reply in support of its Ex Parte Application to Take Post-Conviction Discover is both puzzling and misleading, and clearly underscores the need for full briefing and argument.

Most puzzling is the government's suggestion that it already has the authority to do that which it is seeking the Court's authority to do. Plainly the government must know that it is in fact seeking to do something other than it is presently authorized to do.

The rationale provided for seeking the present order cannot withstand scrutiny: in essence it asserts that the government is imposing on this Court to issue an order so that it may be

1 relieved of the burden of providing third parties with a copy of the Court's previous order. This  
 2 cannot be the government's true purpose. What the government is actually seeking is an open  
 3 ended order which goes beyond the limits of the Court's previous orders.

4 Furthermore, the government's reply is misleading in its characterization of the current  
 5 circumstances. The government notes that Mr. Lazarenko is already required to provide the  
 6 probation office with financial information, but it does not explain why that requirement is not  
 7 sufficient to meet the needs the government presently asserts. In fact, Mr. Lazarenko has filed a  
 8 complete financial statement with the probation office which substantially responds to the  
 9 specific issues which the government has raised.

10 This statement discloses that, rather than having spent substantial sums to pay lawyers  
 11 and experts, Mr. Lazarenko in fact has outstanding debts totaling almost \$250,000.

12 Additionally, the government raises the question of how Mr. Lazarenko is able to meet  
 13 his living expenses without revealing what it surely must know: Mr. Lazarenko's wife, Oksana  
 14 Tsykova, is a member of the California Bar and is actively engaged in the practice of law.

15 Respectfully submitted,

16 DORON WEINBERG  
 17 LAW OFFICES OF DORON WEINBERG

18 DENNIS P. RIORDAN  
 19 DONALD M. HORGAN  
 20 RIORDAN & HORGAN

21 Dated: August 7, 2013

22 By: /s/ Doron Weinberg  
 23 DORON WEINBERG  
 24 Attorneys for Defendant  
 25 PAVEL I. LAZARENKO  
 26  
 27  
 28